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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,589	09/17/2003	Christoph Schwald	BP-86	3648

7590

07/14/2006

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EXAMINER

WENDELL, ANDREW

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/664,589	SCHWALD, CHRISTOPH	
	Examiner	Art Unit	
	Andrew Wendell	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski et al. (US Pat# 6,473,630) in view of Baranowski et al. (US Pat# 2002/0067825).

Regarding claim 1, Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device teaches a storage battery 205 (Fig. 2); a connector socket for receiving a charge plug of an electric connection into a power pack (Col. 3 lines 47-60); at least one miniature loudspeaker (Col. 3 lines 3-12); audio electronics connected to the loudspeaker (Col. 5 lines 19-27); a reception part connected to the audio electronics for receiving wireless signals (Col. 3 lines 20-27); charging electronics 203 (Fig. 2) operative to monitor a charging process of the storage battery (Col. 4 lines 5-28); and a socket for receiving a signal plug of an electric connection with an audio source for transferring signals, the audio electronics being

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operatively configured so that when signal plug is inserted only signals received via the signal plug are conducted to the loudspeaker (Col. 5 lines 19-27). Baranowski et al. fails to teach clearly receiving an electric connection with an audio source.

Baranowski et al. integrated headphones for audio programming and wireless communications with a biased microphone boom teaches a socket for receiving a signal plug 108 (Fig. 1) of an electric connection with an audio source 150 (Fig. 1) for transferring signals, the audio electronics being operatively configured so that when signal plug is inserted only signals received via the signal plug are conducted to the loudspeaker 102 (Fig. 1, Sections 0010 and 0020-0023).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate receiving an electric connection with an audio source as taught by Baranowski et al. into Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device in order to give the user more selectivity (Sections 0007-0008).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski et al. (US Pat# 6,473,630) in view of Baranowski et al. (US Pat# 2002/0067825) as applied to claim 1 above, and further in view of Wingate (US Pat# 6,006,115).

Regarding claim 2, Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device in view of Baranowski et al. integrated headphones for audio programming and wireless communications with a biased

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microphone boom teaches the limitations in claim 1. Baranowski et al. and Baranowski et al. fails to teach a switch between audio and reception signal.

Wingate's wireless headphones for entertainment and telephonic communication teaches the audio electronics are operative to switch off the reception part when the signal plug is inserted (Col. 2 line 15-Col. 3 line 13, this reference teaches switching from an audio source to a telephone conversation when activated but the same principle can apply for the limitation above.).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a switch between audio and reception signal as taught by Wingate into receiving an electric connection with an audio source as taught by Baranowski et al. into Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device in order to prevent the user from missing calls while enjoying other audio programming (Col. 2 lines 4-12).

5. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski et al. (US Pat# 6,473,630) in view of Baranowski et al. (US Pat# 2002/0067825) as applied to claim 1 above, and further in view of Adams (US Pat# 6,594,366).

Regarding claim 3, Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device in view of Baranowski et al. integrated headphones for audio programming and wireless communications with a biased

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microphone boom teaches the limitations in claim 1. Baranowski et al. and Baranowski et al. fails to teach recognizing the type of plug.

Adams headset/radio sensing jack teaches wherein the plugs have different electrically conducting or electrically insulating surface areas, the socket being combined as a common socket for alternately receiving the charge plug (audio plug) and the signal (telephone) plug, whereby the audio electronics recognize the type of plug inserted by contacting the different electrically conducting or electrically insulating surface areas of the plugs (Col. 1 lines 64-67 and Col. 2 lines 39-47).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate recognizing the type of plug as taught by Adams into receiving an electric connection with an audio source as taught by Baranowski et al. into Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device in order to make it easier to switch between audio or telephone functions.

Regarding claim 4, Adams further teaches wherein the signal plug is a conventional stereo jack (Col. 1 lines 24-35).

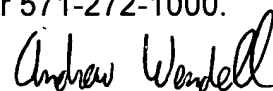
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Wendell
Examiner
Art Unit 2618

7/7/2006



NAY MAUNG
SUPERVISORY PATENT EXAMINER